

INDIAN DISTURBANCES IN THE TERRITORY OF NEW
MEXICO.

LETTER

OF

THE SECRETARY OF STATE,

TRANSMITTING

*The correspondence with the governor of the Territory of New Mexico,
in relation to the Indian disturbances in that Territory.*

JANUARY 7, 1861.—Referred to the Committee on Military Affairs and ordered to be printed.

DEPARTMENT OF STATE,
Washington, December 29, 1860.

SIR: In compliance with a resolution of the House of Representatives of the 18th instant, requesting the Secretary of State to communicate to that House "copies of all papers and letters now on file in his department from his excellency Governor A. Rencher, pertaining to Indian disturbances in the Territory of New Mexico, and relating to the action of the people of said Territory upon the same," I have the honor to transmit a copy of the papers specified in the subjoined list, and to be, sir, your obedient servant,

J. S. BLACK.

Hon. WM. PENNINGTON,
Speaker of the House of Representatives.

List of accompanying papers.

Governor Rencher to General Cass, (extract,) January 3, 1858.
Same to same, March 13, 1858.
Same to same, (extract,) April 10, 1858.
Same to same, (extract,) October 16, 1858.
Same to same, November 29, 1858.
Same to same, (extract,) December 26, 1858.

Special message of Governor Rencher to the legislative assembly of New Mexico, December 17, 1858.

Governor Rencher to General Cass, (with enclosures,) February 4, 1860.

Same to same, (with enclosures,) September 4, 1860.

Same to same, (extract,) October 15, 1860.

Same to same, November 10, 1860.

Governor Rencher to General Cass.

EXECUTIVE DEPARTMENT,
Santa Fé, January 3, 1858.

SIR: Since my despatch of the 26th ultimo I have learned from headquarters that the superintendent of Indian affairs, with the concurrence, I suppose, of Colonel Bonneville, had concluded a treaty of peace with the Navajoe Indians, but I was not furnished with the exact terms of it.

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The war will not cost the government \$100,000. This small expenditure has been the result of the energetic and economical management of Colonel Bonneville, aided by the active co-operation of Major Donelson, the departmental quartermaster. I feel it my duty to say thus much in justice to two most excellent officers, from the fear that interested parties will endeavor to prejudice them with the administration. I am satisfied that under different auspices this Indian war, small as it has been, would have cost the country, at the least, \$1,000,000. If it has not been as effective as it might and ought to have been, it was not the fault of Colonel Bonneville, coming into the command of the department at the time he did. Under the circumstances, but few men could have done so well. If we should have another Indian war, I hope our army will be in a better condition, and more disposed for the active duties of the field.

With great respect, your obedient servant,

A. RENCHER,
Governor of New Mexico.

HON. LEWIS CASS,
Secretary of State, Washington.

Governor Rencher to Mr. Cass.

EXECUTIVE DEPARTMENT,
Santa Fé, March 13, 1858.

SIR: Though not a part of my official duty, it may be useful, in the absence of the superintendent of Indian affairs, that I should state, for the information of the government at Washington, that there is a

strong probability that we shall have an Indian war in this Territory and upon its borders.

There has been existing for some time past unfriendly feelings between the Navajoe Indians and the Utahs, two very powerful tribes of warlike Indians. This spring has been looked to as the commencement of open war. As this would greatly aggravate the sufferings of our Indian tribes, especially the Navajoes, who have suffered much during the past winter from famine, an effort has been made by the agents having charge of these Indians to bring about a reconciliation. This place was fixed upon as the place of meeting, and the 10th of this month the time. A respectable delegation of chiefs from both tribes met here on the 11th, and were in council for a day and night, but without being able to come to any terms of agreement. The Utahs left early on the morning of the 12th, declaring they could make no treaty of peace with the Navajoes, who would not observe it in good faith. I was not present at the talk, not having been invited to do so by those having charge of the conference, but I was told there was much ill feeling exhibited, which those present were not able to appease.

The Navajoes are the most numerable, but the Utahs are said to be the most warlike and formidable of any of our Indian tribes. Their weapons are rifles, which they use with great skill and success. Further efforts will be made to prevent this war, but I fear without success. A war between these tribes would greatly increase their present ills and multiply our Indian difficulties, which, in this Territory, are already very great and difficult of adjustment. I can see no bright future for this Territory without some favorable change in our Indian relations.

With great respect, very truly yours,

A. RENCHER, Governor.

Hon. LEWIS CASS, *Secretary of State, Washington.*

Governor Rencher to General Cass.

EXECUTIVE DEPARTMENT,
Santa Fe, April 10, 1858.

SIR: * * * * *

I have just received a letter from S. B. Watrous, dated at Fort Barclay, the 4th instant, informing me that a party of Comanches had just destroyed a settlement recently made on Red river, forty or fifty miles east of Fort Union, and had barbarously murdered Mr. Burnham, the American under whom the settlement was made.

A delegation, also, from the pueblo of St. Juan waited on me a few days since to complain of the murder of one of their people, the week before, by the pueblo of Jeures, and asking for satisfaction. All I could do was to advise them to an amicable adjustment of the matter, if possible, as I had no power to intervene. Whatever diversity of opinion there may exist as to the policy of transferring the superintend-

ency of the wild Indians, there can be none as to the pueblas. Undoubtedly they should have remained under the care and control of the governor, who could, from his position, exercise a power over them for good which no Indian agent can do ; they seem unwilling to recognize any other *tata* or father. Most of them speak Spanish and are intelligent, and not inferior in agriculture and coarse manufactures to the lower classes of the Mexican population. I think, therefore, it would not be a difficult matter to improve their condition, and advance them in the arts of civilized life.

With great respect, your obedient servant,

A. RENCHER,
Governor of New Mexico.

Hon. LEWIS CASS,
Secretary of State, Washington.

Mr. Rencher to Mr. Cass.

[Extract.]

EXECUTIVE DEPARTMENT,
Santa Fé, October 16, 1858.

SIR: There is seldom anything occurring in this Territory which makes it my duty to communicate to the State Department. Except upon our western borders, the Territory has been generally very quiet. Of the origin of our difficulties with the Navajoe Indians, and of the progress of the war in that quarter, the government is more properly advised through other channels. I did not approve of the manner in which we have been precipitated into this war by the independent action of the commander of the post at Fort Defiance. It seemed to me that Major Brooks should have referred the matter to the head of the department before taking such steps as was likely to result in hostilities. If the commanders of separate posts, acting under local or personal excitement, are allowed thus to involve us in war, there would be no end to our Indian wars. It does not yet appear what provocation caused the Indian to shoot the negro boy belonging to Major Brooks. That some existed other than the two which have been assigned as the cause of it, I have no doubt. The attack made upon the Indians at Bear Spring was hasty and impolitic, to say the least of it. Captain McLean had been absent from the fort only for a short time, and did not know whether any adjustment had taken place during his absence, or was likely to take place ; and yet Mr. Yost, the Indian agent, tells us in his published letter that the attack was determined on as soon as they saw the trail of the Indians, and, before they came up with them. The Indian agent was present, and instead of protesting against so hasty and unauthorized a movement, seems to have approved it. I fear, therefore, there has been, at Fort Defiance, too ready a disposition to engage in active hostilities with the Navajoes.

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Except the Pueblo Indians, the Navajoes are more advanced in civilization than any of our Indian tribes. They cultivate the soil, and have large flocks of horses, cattle, and sheep. The desire of gain, and often, perhaps, the spirit of retaliation, make them very troublesome to our frontier settlements. They make frequent incursions, and steal and carry off the stock belonging to the Mexicans. This has been a constant subject of complaint since my arrival in the Territory, and if these repeated wrongs had been made more prominent as cause of the present war, the castigation which awaits them would have been more proper and salutary. If the war continues, the inevitable result must be that, their flocks destroyed and their cornfields laid waste, they will become more dependent on us for support and more reckless in their marauding incursions upon our people. In this point of view the war is an unfortunate one. Col. Bonneville is preparing to push it with all the means in his power, but yet disposed to embrace any favorable offers for peace. He thinks he will be able to bring the war to a successful termination without any call on me for volunteers, but which he will call for in case they should be needed. In these views I heartily concur, and shall co-operate with him to the extent of the power conferred upon me.

With great respect, your obedient servant,

A. RENCHER, *Governor of New Mexico.*

Hon. LEWIS CASS,
Secretary of State, Washington.

Governor Rencher to General Cass.

EXECUTIVE DEPARTMENT,
Santa Fé, November 29, 1858.

SIR: It is probable that the Navajoe war will be terminated at an early day. The Navajoes have sued for peace, and a truce for thirty days has been agreed upon. Captain McLean arrived here last night with the terms of the armistice. They are not satisfactory to Colonel Bonneville, nor to the superintendent of Indian affairs. They have therefore added others, which I should think the Indians would agree to if they are as much humbled as is represented by Colonel Miles, and the Indian agent, Yost. It is certain that no great advantage as yet has been obtained over the Indians. Their knowledge of the country enables them to keep out of the way of our troops, who at times capture and destroy some of their stock, of which they have a large quantity.

The war, in my opinion, was unwisely precipitated upon the Indians, and might have been avoided by prudence and fairness on the part of the Indian agent.

The rendition of the murderer of the negro boy was improperly made as *sine qua non*. In the armistice that is waived, the Indians alleging that the band to which he belonged has left their country and been outlawed by them. The great object now should be to obtain such an arrangement as will secure the settlements against future depredations from the Indians, and to secure the faithful observance of

such an arrangement by the Navajoes. Whether they have been sufficiently chastised to bring them to these conditions, remains to be seen.

Colonel Bonneville desires no other terms than such as will be mutually beneficial both to the Indians and the settlements upon their border.

With great respect, your obedient servant,

A. RENCHER.

Hon. LEWIS CASS,
Secretary of State, Washington City.

Governor Rencher to General Cass.

EXECUTIVE DEPARTMENT,
Santa Fé, December 26, 1858.

SIR :

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I also enclose a special message relative to the Navajoe war, called for by a resolution of the two houses. We have not yet heard whether any treaty of peace has been agreed upon, but I am of opinion one will be formed. I think that was the disposition both of Colonel Bonneville and the superintendent of Indian affairs.

With great respect, your obedient servant,

A. RENCHER,
Governor of New Mexico.

Hon. LEWIS CASS,
Secretary of State, Washington.

Special message of Governor Rencher.

To the legislative assembly of the Territory of New Mexico :

I have received the resolution of the legislative assembly requesting me to inform them "what is the present state of the war with the Navajoes; how many have been the victims among the soldiers and other citizens of the United States; how much property belonging to the government and to private citizens has been destroyed during the war; and what are the measures taken to make a treaty of peace with said tribe of Indians."

In reply to said resolution I have the honor to state to the legislative assembly, that since the separation of the duties of superintendent of Indian affairs from those of the executive department, the governor of the Territory has had nothing to do, officially, with our Indian relations, either in peace or in war. When, therefore, complaints have been made to him of murders committed by the Indians, or depredations upon the property of our citizens, all he could do was to refer them to the superintendent of Indian affairs, or to the officer commanding the military department of New Mexico, that the property

destroyed by the Indians might be paid for under the laws of the United States, or the Indians punished by the military force sent here for our protection. Since the commencement of the war it has not been thought necessary to call on the governor for volunteers. As soon as Colonel Bonneville, who had recently been put in command of this military department, found that the war had been rendered inevitable by the premature attack at Bear Spring, he exerted himself with commendable zeal and diligence to throw all the necessary force into the Navajoe country; and he assures me, that at the time the armistice was concluded by Mr. Yost, our Indian agent, and Colonel Miles, who was in command of the army, there were a thousand men in the field, quite as many as he considered necessary, or as could well be supplied with provisions at so inclement a season.

Having, therefore, no official connexion with the war, and no official information on the subject, I did not think it my duty to say anything to you in my annual message upon the Navajoe war. Your resolution makes it my duty to submit to you whatever knowledge I have on the subject, although I have no information except such as has been made public, but which, I think, may be relied upon, and such as I have obtained from my intercourse with the heads of the Indian and military departments in this Territory. From these sources of information it appears that the war thus far has not been very disastrous on either side. The Indians have not dared in any considerable number to encounter our troops, so as to risk the fate of the war upon a single battle. A few of the Indians have been killed by our troops in small scouting parties, and some of their stock taken or killed; while the Indians have killed a less number of our soldiers, but have shown their well-known character by stealing and carrying off stock belonging to the United States and to the people of the Territory. I have no means of knowing the exact amount of property so taken, but suppose that when the account comes to be settled there will not be found to be much advantage on either side in this respect. If, therefore, the Indians have been castigated and humbled, as our Indian agent says they have, we ought to be glad of it, because it is what ought to be done, and, if true, has certainly been done without the effusion of much blood, and shows an humble and submissive spirit on the part of the Navajoes, which has not been thought heretofore a part of their character.

At present the war is suspended. The Indians sued for peace, and the Indian agent and military commander, believing the Indians sufficiently castigated and humbled, agreed to an armistice for thirty days. The armistice provided only for the surrender by the Indians of property taken from the fort, and which belonged to the United States, but did not provide for the surrender of private property taken by the Indians during the war from the citizens of the Territory. The armistice did not provide for the surrender of the murderer, which was the cause of the war, nor even for the payment of the negro boy who was murdered, although the Indians before the war agreed to pay any price for him, however extravagant. If, therefore, the Navajoes have been castigated and humbled, the armistice unfortunately affords no evidence of it.

The superintendent of Indian affairs and the commander of the military department left Santa Fé a few days ago for the seat of war. I have been assured by them that they will consent to no peace upon the terms of the armistice. They will require at least the surrender of private as well as public property taken by the Indians during the war, and a meridian line shall be established, east of which the Navajoes shall neither plant nor graze their stock. A peace less favorable to us would be unjust—a mere delusion—and could not last. If the Navajoes are humbled, as it is said they are, they must give some better proof of it than empty words. If a peace should be agreed upon, the terms will be known to you long before the termination of your session; and if no peace should be agreed upon, the war, no doubt, will be prosecuted with renewed vigor.

Very respectfully submitted.

A. RENCHER.

EXECUTIVE DEPARTMENT,
Santa Fé, December 17, 1858.

Governor Rencher to General Cass.

EXECUTIVE DEPARTMENT,
Santa Fé, February 4, 1860.

SIR: The Indian depredations in this country have become so frequent and so aggravated that public excitement is very great. The main mail route to the States has been in the hands of the Kiowas for the last six months; while the Navajoes, having failed to comply with their treaty stipulations, are adding to the list of old wrongs other depredations and murders almost every day. This has resulted in an angry session of the legislature, and has produced an unfortunate conflict of opinion as to the duty and extent of the powers of some of the departments of this Territory. I beg to call your attention to a difference of this kind existing between the governor of the Territory and the department commander, relative to the power of the former to authorize and direct a military campaign against Indian tribes *at war with the United States*, independent of the commander of the military.

These people prefer to carry on Indian wars in their own way, as they were accustomed to under their former government. One of the first laws, therefore, passed by the legislative assembly was a law to authorize independent campaigns against Indian tribes at war with the United States, under the authority and direction of the governor of the Territory. I enclose a printed sheet containing the provisions of this law. I am not aware that any former department commander ever objected to it. It appeared to me that the people of this Territory had too little disposition to protect themselves, and were too much disposed to rely upon the federal government for everything. In my last annual message, therefore, (a printed copy of which I enclose,) I took occasion, at the close of it, to impress upon them the duty and necessity of providing means to protect themselves. Greatly exasperated by recent Indian depredations and murders, they somewhat

modified the law relative to Indian campaigns, so as to make them more practical, and to make it less difficult to get them up. (I herewith enclose a copy of the law for your inspection, marked A.) Under this law two companies were soon raised, and they applied to me to arm them, which I did, and applied to Colonel Fauntleroy for the necessary amount of ammunition. This had uniformly been allowed by other department commanders, but which he refused. He declared that he would not furnish ammunition to carry into execution any such law; and that, in case of a war with the Navajoes, if I authorized a campaign under the law, he would withdraw the troops from the Indian country.

As such an event might be disastrous to the Territory, I shall suspend any action under it until I can receive your positive instructions on the subject. If the President should be of opinion, with the governor and the territorial legislature, that such a law in a country like this is proper and ought to be executed, I wish an order for ammunition to enable me to do it; but if otherwise, I wish the President's prohibition, as nothing else would excuse me with these people for its non-execution. (I herewith enclose you a copy of my correspondence with Colonel Fauntleroy on the subject of supplying ammunition, marked B.)

I feel it my duty to say one word more on the subject of this Indian war. With the military force in the Territory, aided by these independent campaigns, if they should be allowed, the Navajoe Indians could be wiped from existence, if desired, in three months. * *

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With great respect, your obedient servant,

A. RENCHER, Governor.

The SECRETARY OF STATE, Washington.

B.

EXECUTIVE DEPARTMENT,
Santa Fé, January 30, 1860.

SIR: I have this day commissioned the officers of two volunteer companies for the county of Socorro, consisting of 100 men each, and have armed them as required by the laws of the Territory. I have therefore to request that they may be supplied with ammunition for 160 muskets and 40 rifles. The military department has uniformly supplied the requisite amount of ammunition for companies thus formed and armed by the Territory; thirty rounds each, I think, has usually been allowed. I hope you will give the necessary orders, as the parties are anxious to return home to-morrow.

With great respect, your obedient servant,

A. RENCHER,
Governor of New Mexico.

Colonel T. T. FAUNTLEROY,
Department Commander, New Mexico.

B No. 1.

HEADQUARTERS DEPARTMENT OF NEW MEXICO,
Santa Fé, New Mexico, January 31, 1860.

SIR: The department commander directs me to acknowledge the receipt of your communication of January 30, and to request of you information as to the object for which the companies mentioned are organized; the law authorizing the same; and, especially, whether they are to be allowed to make forays into the Indian country to capture property for their own benefit.

I am, very respectfully, your obedient servant,

JOHN D. WILKINS,
Assistant Adjutant General.

His Excellency A. RENCHER,
Governor of New Mexico.

B No. 3.

EXECUTIVE DEPARTMENT,
Santa Fé, January 31, 1860.

SIR: I am in receipt of your note of this morning, in which you state that the department commander wishes to know "for what object the volunteer companies mentioned in your (my) note of yesterday are organized; the law authorizing the same; and, especially, whether they are to be allowed to make forays into the Indian country to capture property for their own benefit."

In reply, I have to state that I have no other means of knowing for what object these volunteer companies are organized except what is known to everybody. They are no doubt formed for the protection of the settlements against the robberies and murders committed by the Navajoe Indians, now unhappily more frequent and alarming than at any former time. These companies are authorized by the militia law of the Territory approved July 10, 1851, somewhat modified by the law of this session of the legislature, and are armed by the governor under a law of the Territory approved January 28, 1857. They will not be disposed, I presume, nor will they be allowed, to make forays into the Indian country merely to capture property for their own benefit; but they will be authorized and directed to defend themselves against every hostile invasion, and to pursue their savage invaders wherever they may find them.

Under this law, the property captured by these companies is for the benefit of the true owners; but if no true owners are found, it is for the benefit of the captors. In this there is nothing inconsistent with the practice of the government of the United States, both in this Territory and elsewhere. The property of hostile Indians is taken or destroyed, and when taken is used by the army who takes it, or, what is worse, slaughtered to get clear of it.

The law authorizes these volunteer companies to make campaigns against any tribe of Indians "*at war with the United States.*" I have before informed Colonel Fauntleroy that if any companies were disinterested enough to perform these campaigns without any expense to the United States, and against Indians at war with the United States, I should feel it my duty to execute the law, but with every disposition to do so, as far as I can, in harmony with the military authorities of the United States. While our citizens are daily killed and their property taken by these merciless savages, if the department commander thinks proper to refuse the necessary ammunition to enable the people to defend themselves, upon him must rest the fearful responsibility. I have done all in my power.

With great respect, your obedient servant,

A. RENCHER,
Governor of New Mexico.

Lient. JOHN D. WILKINS,
Assistant Adjutant General.

A.

AN ACT amendatory of the militia law of the Territory of New Mexico.

SECTION 1. *Be it enacted by the legislative assembly of the Territory of New Mexico*, That any man of experience and good character who shall raise and organize a force of not less than two hundred men, nor more than two hundred and twenty-five men, is hereby authorized to apply to the governor of this Territory to make a volunteer campaign against any tribe or tribes of Indians at war with this Territory, under the same conditions and restrictions as specified in the 38th section of the militia law of this Territory of the "*Revised Code*;" and on said application being made, it shall be the duty of the governor to commission such person, he being commander of, and by the same force he shall also commission all other officers of the command on a list of them being delivered and certified to by the commander to the governor: *Provided*, That a correct roll of the force shall be furnished the governor, certified by some justice of the peace or judge of probate of the county where said force shall be so raised or organized.

SEC. 2. That upon said application of said commanding officer of said force, as provided in the foregoing section, the governor shall furnish the necessary arms for said force in the same manner and under the same conditions as specified in the act of this Territory passed January 28, 1857, entitled "*An act authorizing the loan of public arms.*"

SEC. 3. That the division or distribution of property taken as specified in section 40 of the "*militia law*" aforesaid of the Revised Code, each commissioned officer or his heirs, in case said officer shall have died during the campaign, shall be entitled to a double share of said property, over that which shall be assigned to each one.

SEC. 4. That the property of private individuals shall be delivered

to them on sufficient proof, before any competent authority: *Provided*, That they shall pay one-third of the intrinsic value of said property, which shall be assessed by two appraisers, one which shall be chosen by the commander of the force, and the other by the owner of the property so claimed; in case the said appraisers should not agree upon the value of the property, then the said commander and owner shall appoint an umpire. Said appraisers shall take an oath (before entering upon their duties as such) before the authorities trying the case to faithfully discharge their duties, except the property that shall have been stolen six months' previous to the recovery of the same.

SEC. 5. That said volunteer companies, as soon as their respective commanders shall have received their commissions and instructions from the governor in the manner in which they shall conserve and conduct the campaign and against what tribe or nation of Indians, they shall commence operations, independent of all other military authority.

SEC. 6. That all the provisions of the "militia law" not in conflict with this act shall remain in full force and effect; and this act shall be in force from and after its passage.

Governor Rencher to Mr. Cass.

EXECUTIVE DEPARTMENT,
Santa Fé, September 4, 1860.

SIR: We are likely to have very serious difficulties in this Territory by the Mexicans moving in armed bodies upon the Navajoe Indians, without any authority, either under the laws of the United States or of this Territory.

After the arrival of the Utah troops, and after Colonel Fauntleroy had given to the governor and to the people assurances both of his ability and his determination to chastise the Navajoe Indians, the people of this county held a meeting in Santa Fé, and passed a preamble and resolutions, requesting the governor to call a regiment of mounted volunteers *into the service of the United States*. As I could not, under the circumstances, comply with their request, I deemed it my duty to publish the enclosed address to the public, in the hope that it would give satisfaction, and stay any further progress in that direction. In this expectation I have been disappointed. Urged on by a few ambitious or interested leaders, the people called a convention at this place on the 27th ultimo, and resolved to take the matter "into their own hands." They appointed officers, and agreed to raise a regiment of mounted volunteers, to enter the Navajoe country, on the 20th instant, in open disregard both of the laws of the United States and of this Territory. If something is not done to check this first exercise of popular sovereignty in this part of the Territory, I fear we shall soon run the race of Arizona and find ourselves in a state of dissolution. If this movement for mounted volunteers had been made one or two months ago, when the Territory was destitute of troops,

and the military commander under orders not to make war upon the Navajoes, I might have assumed the responsibility of calling them out, with the hope of being approved. But now when the Territory is full of troops, and the military commander, under orders from the Secretary of War, is organizing a vigorous campaign against the Indians, I cannot see the necessity of volunteers. I have therefore been compelled, under a painful sense of public duty, to resist this movement, and I feel the more embarrassed in the performance of this duty, in consequence of the favor shown it by a few federal officers, especially by the chief justice, whose high position on the bench must give him influence. I am the more anxious, therefore, to be sustained by your approval of my conduct.

With great respect, your obedient servant,

A. RENCHER, *Governor of New Mexico.*

Hon. LEWIS CASS, *Secretary of State, Washington.*

Governor Rencher and the Volunteers.

TO THE PUBLIC.

In the proceedings of the public meeting held in Santa Fé, a few days since, there are some things which require correction; otherwise the preamble and resolutions are well calculated to make a false impression upon the public mind, though, doubtless, no such thing was intended.

In the preamble, Colonel Fauntleroy, the military commander of this department, is represented as "still refusing to call into active service" the large body of troops under his command to protect the Territory and chastise the Navajoes. This statement does Colonel Fauntleroy great injustice. Since the arrival of the Utah troops, and others daily expected from the States, he has given to the governor, as well as to a large committee of citizens, every assurance that his forces, consisting of forty companies, shall be put into active and vigorous service, not only for the complete protection of the Territory, but also for the severe chastisement of the Navajoes; that his forces are amply sufficient to enable him to do it; and that he can do it quicker and more effectually with the forces he has already organized, than he could with volunteers which had to be raised. It was for these reasons Colonel Fauntleroy declined to receive into his service the four companies of mounted volunteers which he at one time had agreed to receive. Of course he would not receive a large number of mounted volunteers; and unless received into the service of the United States, the United States are not bound to pay them. If, under these circumstances, I were to call into service a regiment of mounted volunteers, can any reasonable man believe that Congress would appropriate money either to pay them for their services, or to refund the money advanced to defray their expenses in the field. In my opinion, they would not. It was for this reason I stated to the committee who waited on me, that, in my opinion, the forces in this Territory were

sufficient, and more than sufficient, to give us protection and to chastise the Navajoes ; and, therefore, I did not consider volunteers necessary unless Colonel Fauntleroy should hereafter refuse or fail to give us that protection which he is bound to give us, and which I am informed, by a late despatch from Washington, he has been ordered by the Secretary of War to give us.

If, after this frank statement, which I feel it my duty to make, the people still desire a regiment of mounted volunteers in the field, and are willing and able to provide ammunition and supplies, of which the governor has none, and no power by law to raise any, it will be my duty "*to call them into the service of the Territory*" and appoint suitable officers to command them ; not that I believe them at present necessary, but because they believe it, and are willing to encounter its dangers and to run the risk of being paid for their services and reimbursed for their expenditures.

The military powers of the governor of this Territory are few and very limited. The government of the United States considers itself bound to protect us against the numerous Indian tribes that surround us, and for that purpose sends here, at great expense, a large military force. If at any time the military commander of the department should want troops, and make a requisition upon the governor for that purpose, the law authorizes him to raise volunteers, not exceeding a thousand, to assist the military commander in chastising the Indians. Troops so called out are always paid by the United States, and I have at all times been ready to call troops so required into the service.

The governor is also authorized to call out the militia (if there were any to call out) "to suppress insurrections and repel invasion." The same power is conferred, in stronger terms, upon every militia officer in the Territory. But in neither case is the governor authorized to raise a dollar to pay for such services, or for any expenses attending them.

The only thing, therefore, the governor has been able to do, in this trying emergency, was to organize and arm volunteer companies for the protection of their settlements, their firesides, and their families, against their savage foe ; and to follow them into their own country, when able to do so.

These companies, in the main, have behaved well, and deserve well of their country. But for the difficulty of procuring ammunition, they would have been able to render much more valuable services. In time of war, the governor is also authorized, under a late law of the legislature, to direct independent campaigns of not less than 200 men against the enemy, but without any expense to the Territory. This he will feel it his duty to do, if suitable companies should apply to him for that purpose.

The governor concurs entirely with the meeting, in their approval of Secretary Floyd's recommendation in favor of mounted volunteers for short terms of service ; but it should be observed that this recommendation was in favor of mounted volunteers, instead of the regular army, and certainly not intended to apply where the regular army was already sufficient ; and that, even in this form, Congress did not approve of the recommendation.

The delegate from this Territory made a specific proposition to raise a regiment of mounted volunteers for this Territory, which was voted down without a division. The silly speech of the delegate no doubt contributed much to the defeat of the measure, as a similar proposition, in favor of Texas, passed the same committee at the same time, but even that did not finally become a law. The delegate travelled out of his way to assail the governor, and charged him with the weighty responsibility of protecting the Territory by means of the militia, which he said the legislature had enabled him to do, although he must have known the statement was untrue, and that there was no provision made by law to enable the governor either to pay or feed them when called into service. The governor will never force you from the defence of your homes and your families to perform service which properly belongs to others who are paid for it. Of course, if Congress believed, with your delegate, that the governor was responsible for the protection of the Territory, there was no reason why they should vote money for that purpose, and therefore the measure was lost. But the reason assigned by the delegate, even if it had been true, was as strange as his conclusion. He contended that the governor was bound to protect the Territory with his unpaid and unfed militia, because he was opposed to the treaty of peace, the non-fulfilment of which had brought upon the Territory all those disasters. Now, to a plain mind, it would seem that those who made the treaty of peace, and who provided that the military should enforce its execution, were much more responsible for the evils which had flowed from it than the governor, who had nothing to do with the treaty, and who was opposed to the armistice, but not the treaty, because it was granted at the moment when the Indians could have been crushed at a single blow, under a most mistaken confidence in their white crosses and professions of humility, which the governor then believed a "humbug," and which we now know, from sad experience, was one.

The delegate well knew who was responsible for the disasters in this Territory, and who had the power to avert them. But he seemed afraid to offend those in power, and those who had patronage and favors to bestow. He knew by whose orders "the late impending and most necessary war against the aggressive and powerful Navajoes was suspended, and the most efficient troops transferred to Texas and the plains, leaving this Territory," in his own language, "*almost entirely unprotected*;" and yet, instead of employing the manly language of truth and remonstrance against the injustice and cruelty done to his constituents by these orders, he meanly stoops to play the sycophant and compliment the author of them as "the distinguished Secretary." No doubt, he deceived the Secretary of War, by telling him, as he told the House of Representatives, that the governor was responsible for the protection of the Territory, and that the legislature had provided him with ample means for doing it. Under such representation, it is not wonderful that the war against the Navajoes was suspended and the troops transferred to Texas and the plains; and I leave it to the people to decide whether such a sycophant is worthy to represent a free and suffering people.

It is the second time our delegate has gone out of his way to assail

the governor of the Territory for the quiet but independent discharge of his public duty; and upon both occasions he has employed, and, to some extent, misrepresented the contents of a private letter; and both these exhibitions of himself have been complete abortions. It was the saying of a distinguished ancient writer, that the true test of eloquence was an orator's success. But it seems to be the peculiar characteristic of Mr. Otero's eloquence that it destroys every measure he advocates, and carries every one he opposes. How long the interest and character of this Territory are to be sacrificed at Washington by such eloquence, it is for the people who suffer from it to determine.

A. RENCHER, *Governor New Mexico.*

SANTA FÉ, *August 20, 1860.*

Governor Rencher to General Cass.

[Extract.]

EXECUTIVE DEPARTMENT,
Santa Fé, October 15, 1860.

SIR: * * * * *

Our Indian troubles continue without abatement; indeed, the Navajoes are more daring in their robberies than at any previous time. Not long since, they seized and carried off, at 2 o'clock in the day, upwards of two hundred mules from within eight miles of this city. A company of mounted troops were sent in pursuit of them, but as usual were unsuccessful in overtaking the Indians. The volunteer forces raised in August, of which I informed you, have gone, without authority of law, into the Navajoe country, leaving their own homes unprotected; while the regular army certainly does not afford the protection which is expected of it, and which it could and would do under a different direction of its powers.

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With great respect, &c.,

A. RENCHER,
Governor of New Mexico.

Hon. LEWIS CASS,
Secretary of State, Washington.

Mr. Rencher to Mr. Cass.

EXECUTIVE DEPARTMENT,
Santa Fé, November 10, 1860.

SIR: In compliance with the request contained in your communication of the 1st of October last, that I should keep the department informed of any occurrences that might take place relative to unauthorized invasions of the Indian country, I have the honor herewith to enclose to the department a copy of the Santa Fé Gazette, containing a no-

tice of the volunteer force now in the Navajo country. As these volunteers went out without my authority, and against my advice, I hear nothing from them officially. It was one of the conditions of their organization that they should not be subjected to the control of the department commander, or of the governor of the Territory, or have any communication with either of them.

It appears from the article in the Gazette, and from other reports which have reached us, that the volunteers have penetrated, with some difficulty, into the heart of the Navajo country, taken possession of their corn-fields, captured a large amount of stock belonging to the Indians, with some hundred captives, chiefly women and children, and were waiting for a favorable opportunity to return. This information was brought by some Pueblo Indians, who were a part of the expedition, and who brought back some five thousand sheep and horses as their portion of the spoils. It is certain that Mr. Phifer, a sub-agent for the Utah Indians, made an expedition into the Navajo country, with a force consisting of Mexicans and Utah Indians, and captured and brought away a large amount of stock and some Indian captives. These unauthorized expeditions into the Navajo country by other Indian tribes are known to the superintendent of Indian affairs, and I presume are approved of by him. The Gazette is owned by him, and edited by the agent for the Navajo Indians. You will see from a leading article in the number I send you, that the Gazette justifies and approves these unauthorized invasions of the Navajo country. It would, therefore, be difficult, if not impossible, for the governor successfully to prosecute these violations of the laws of the United States, as suggested by you, while those who are appointed the special guardians of the Indians encourage such violations. But for a few interested speculators, backed by some federal officers, these unauthorized expeditions would never, in my opinion, have been organized; because, in the main, the Mexicans are a law abiding people. Admonitory instructions from the proper departments would, without doubt, correct the evils complained of without any prosecutions at law.

For a year past, the Mexicans have suffered much from the Navajo Indians, and have had good cause to complain. If, during the spring and summer, I had possessed the means, I would have taken the responsibility of calling out the military force of the Territory to chastise them. But after the arrival of large reinforcements from Utah, and after orders were received from the Secretary of War, directing Colonel Fauntleroy to make a vigorous campaign against these Indians, I saw no necessity for volunteers, and no excuse whatever for the lawless manner of calling them out.

Upon inquiry I find that since the resignation of Richard H. Thompson no district attorney has been appointed for this Territory, and the office is now vacant.

With great respect, your obedient servant,

A. RENCHER,
Governor of New Mexico.

Hon. LEWIS CASS,
Secretary of State, Washington.

H. Ex. Doc. 24—2